

EXHIBIT 1

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS**

ANDREW CORZO, SIA HENRY, ALEXANDER
LEO-GUERRA, MICHAEL MAERLENDER,
BRANDON PIYEVSKY, BENJAMIN
SHUMATE, BRITTANY TATIANA WEAVER,
and CAMERON WILLIAMS, individually and on
behalf of all others similarly situated,

Plaintiffs,

v.

BROWN UNIVERSITY, CALIFORNIA
INSTITUTE OF TECHNOLOGY, UNIVERSITY
OF CHICAGO, THE TRUSTEES OF
COLUMBIA UNIVERSITY IN THE CITY OF
NEW YORK, CORNELL UNIVERSITY,
TRUSTEES OF DARTMOUTH COLLEGE,
DUKE UNIVERSITY, EMORY UNIVERSITY,
GEORGETOWN UNIVERSITY, THE JOHNS
HOPKINS UNIVERSITY, MASSACHUSETTS
INSTITUTE OF TECHNOLOGY,
NORTHWESTERN UNIVERSITY,
UNIVERSITY OF NOTRE DAME DU LAC, THE
TRUSTEES OF THE UNIVERSITY OF
PENNSYLVANIA, WILLIAM MARSH RICE
UNIVERSITY, VANDERBILT UNIVERSITY,
and YALE UNIVERSITY,

Defendants.

Case No. 1:22-cv-00125-MFK

Hon. Matthew F. Kennelly

**THE TRUSTEES OF THE UNIVERSITY OF PENNSYLVANIA’S RESPONSE TO
PLAINTIFFS’ RESPONSE TO THE FERPA OBJECTIONS OF DOE STUDENTS (ECF
NO. 561)**

Defendant Trustees of the University of Pennsylvania (“Penn”) submits this brief
response to correct the record regarding several misstatements in Plaintiffs’ Memorandum In

Response To The Objections Of 37 Donor-Related Students To The Production Of Their FERPA-Protected Education Records By Defendants Cornell, Georgetown, and Penn (ECF No. 561). Penn asked Plaintiffs to file a corrected brief, but they refused.

1. Plaintiffs twice assert that Penn “received substantial donations from the families of the students who have filed objections to the production of their FERPA-protected records.” *Id.* at 3, 4. As to Penn, that is false. Indeed, Plaintiffs do not know the identity of the objecting students, and thus cannot know whether that statement was correct. In any event, Penn can confirm that it is incorrect.

2. Plaintiffs next purport to identify two of the “likely” objectors from Penn, based on no evidence at all. *Id.* at 10. Plaintiffs are once again wrong. Plaintiffs further reference students who are not even among those on their list at issue in this motion and who are plainly irrelevant. *Id.* at 10 & n.22. And the only donations Plaintiffs can muster occurred *after* the students at issue were admitted to Penn and thus did not influence the admissions process.

3. Finally, Plaintiffs seek to take advantage of recent events at Penn by claiming that they are somehow evidence relevant to this antitrust lawsuit. *Id.* at 9. Much has been written about Penn in the last two months, but none of it has anything to do with this case. These comments are not legitimate litigation tactics, have nothing to do with the FERPA objections, and do not belong in this case, period.

4. Plaintiffs’ baseless (and in fact erroneous) speculation about Penn and the families in question should be stricken, the Penn Doe Students’ objections should be upheld, and Plaintiffs’ Motion to Compel should be denied.

Dated: December 20, 2023

By: /s/ David Gringer

David Gringer

Alan Schoenfeld

WILMER CUTLER PICKERING HALE AND DORR LLP

7 World Trade Center

250 Greenwich Street

New York, NY 10007

Tel.: 212-230-8800

david.gringer@wilmerhale.com

alan.schoenfeld@wilmerhale.com

Seth Waxman

WILMER CUTLER PICKERING HALE AND DORR LLP

2100 Pennsylvania Avenue NW

Washington, DC 20037

Tel.: 202-663-6800

seth.waxman@wilmerhale.com

Daniel Martin Feeney

Edward W. Feldman

MILLER SHAKMAN LEVINE & FELDMAN LLP

180 North LaSalle Street

Suite 3600

Chicago, IL 60601

Tel.: 312-263-3700

dfeeney@millershakman.com

efeldman@millershakman.com

Counsel for Defendant The Trustees of the University of Pennsylvania